

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

FILED
FEB 16 2010

BARBARA DUNN, CIRCUIT CLERK
D.C.

C. E. BURNS

versus

TRINITY MISSION HEALTH AND REHAB
OF CLINTON, LLC

PLAINTIFF

Cause No.

25-10-111CIV

DEFENDANT

COMPLAINT

As his cause of action, Plaintiff C. E. Burns would show:

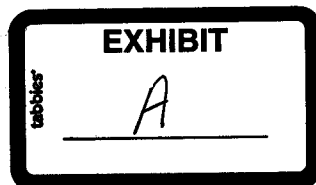
PARTIES and JURISDICTION

1. Plaintiff C.E. Burns is an adult resident citizen of Rankin County, Mississippi.
2. Defendant Trinity Mission Health And Rehab Of Clinton, LLC, (hereinafter "TM") is a foreign business entity with its principal place of business in Hinds County, Mississippi. Defendant may be served with the Summons via its agent for process: C.T. Corporation System, 645 Lakeland East Drive, Suite 101, Flowood, Mississippi 39232.
3. This Court has personal jurisdiction over the Defendant and venue is proper.
4. Plaintiff has provided proper and timely presuit notice.

CAUSE OF ACTION

5. At all times relevant to this cause of action, Defendant operated a nursing home facility located in Clinton, Mississippi.

JURY TRIAL DEMANDED



6. Defendant held itself out as proficient in the care of individuals who were in need of skilled nursing care and rehabilitation services.

7. Plaintiff Burns became a resident patient of the Defendant's facility on or about November 20, 2007.

8. On or about December 16, 2007, Plaintiff suffered an injury to his left hip as the result of a fall occurring on the premises of the Defendant. Plaintiff's injury required surgery.

9. The fall was caused by the negligence of the Defendant and its employees.

10. Defendant failed to exercise the degree of knowledge, skill, and diligence which should have been possessed, and failed to employ reasonable and proper medical care, skill, and practice in the treatment, care, and management of the Plaintiff.

11. Deviations from the standard of care by the Defendant proximately caused or contributed to the injury to the Plaintiff.

12. Plaintiff seeks recovery of damages as outlined in the prayer for relief.

PRAYER FOR RELIEF

13. Plaintiff seeks damages against the Defendant as follows:

- A. All medical and other related expenses resulting from the acts or omissions of the Defendant;
- B. Pain and suffering experienced by the Plaintiff;
- C. Physical impairment;
- D. Loss of enjoyment of life; and,
- E. Other damages to be set forth during discovery.

14. Wherefore, Plaintiff demands judgment against Defendant, including pre-judgment interest, post-judgment interest, taxation of costs, and any general relief otherwise warranted. Plaintiff's request for a judgment, to be returned in an amount to be determined by the Jury, is in excess of the minimal jurisdictional limit of this Court.

15. PLAINTIFF DEMANDS TRIAL BY JURY.

Respectfully submitted,

PLAINTIFF C. E. BURNS

BY: Robert Boyd
ROBERT C. BOYD
Miss. No. 4218
Robert Boyd and Associates PLLC

CERTIFICATION

The above attorney for the Plaintiff certifies that he has reviewed the facts of this claim and has consulted with at least one expert qualified to give testimony as to the standard of care, and such consulting expert is believed to be knowledgeable in the issues relevant to this claim, and therefore the above attorney has concluded there is a reasonable basis for the commencement of this cause of action.

ATTORNEYS FOR PLAINTIFF:

ROBERT BOYD and ASSOCIATES PLLC
103 WOODCHASE PARK DRIVE
POST OFFICE BOX 1297
CLINTON, MS 39060

601-925-5511
601-925-5533

TELEPHONE
FACSIMILE

2028.Burns.Pleading.001

IN THE CIRCUIT COURT OF HINDS COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

C.E. BURNS

PLAINTIFF

versus

Cause No.

251-10-111CIV

TRINITY MISSION HEALTH AND REHAB
OF CLINTON, LLC

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO:

TRINITY MISSION HEALTH AND REHAB OF CLINTON, LLC

C/O Agent:

C.T. Corporation System

645 Lakeland East Drive

Suite 101

Flowood, Mississippi 39232

NOTICE TO DEFENDANT(S)

**THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS
IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION
TO PROTECT YOUR RIGHTS**

You are required to mail or hand-deliver a copy of a written response to the
Complaint to the attorney for the Plaintiff(s) at:

**ROBERT BOYD and ASSOCIATES PLLC
POST OFFICE BOX 1297
CLINTON, MISSISSIPPI 39060
Tel. 601-925-5511**

Your response must be mailed or delivered within thirty (30) days from the date of
delivery of this Summons and Complaint or a judgment by default will be entered against
you for the money or other things demanded in the Complaint.

You must also file the original of your response with the Clerk of this Court within a reasonable time.

Issued, this the 16 day of Feb, 2010.

(SEAL)

Circuit Clerk of Hinds County, Mississippi

BY: 

PROOF OF SERVICE

The undersigned certifies under penalty of perjury that the Summons and Complaint were served as follows:

Person served: _____

Date served: _____

Place of service: _____

Served by: _____

(signature)

Title: _____

Telephone No.: _____

2028.Burns.Pleading.000